

82019

# State of California



## Fair Political Practices Commission

P.O. BOX 807 • SACRAMENTO, 95804 ••• 1100 K STREET BUILDING, SACRAMENTO, 95814

October 1, 1976

Mr. Forest Greber  
Deputy County Counsel  
County of Kern  
1415 Truxtun Avenue  
Bakersfield, CA 93301

A-76-262

Dear Mr. Greber:

You ask whether a number of "advisory committees" including the following:

Kern County Water Resources Committee,  
Mental Health Advisory Committee,  
Technical Advisory Committee on Drug Abuse,  
Alcoholism Advisory Committee,  
Emergency Medical Care Committee,  
Advisory Board for Child Health and Disability Prevention  
Program,  
Grazing Advisory Board (Section 15),  
Grazing Advisory Committee (Section 3), and  
Kern County Parks and Recreation Commission,

may be required by the Board of Supervisors of Kern County to develop Conflict of Interest Codes pursuant to Government Code Section 87300. You indicate that these committees are solely advisory within the meaning of Government Code Section 82019 in that they possess no decision-making authority as indicated in the definition of "member in 2 Cal. Adm. Code Section 18700(a)(1). As you may be aware, this regulation of the Commission has been amended, copy attached.

If the Committees and Commissions in question are not decision-making bodies within the meaning of the regulation, their function may be classified as solely advisory within the meaning of Government Code Section 82019. Thus, if the members of such Committees and Commissions are uncompensated, they clearly fall within the exemption contained in Government Code Section 82019.

While it may be said that members of boards or commissions which are solely advisory in nature may participate in the making of a governmental decision within the meaning of 2 Cal. Adm. Code Section 18700(c), if the function of their board is solely advisory, the members of such a board or commission are still

exempt by virtue of Government Code Section 82019.

If I can be of further assistance, please feel free to contact me at (916) 322-6444.

Sincerely,

Delbert L. Spurlock, Jr., Chief  
Conflicts of Interest Division

DLS:mra

Attachment



RALPH B. JORDAN  
County Counsel

OFFICE OF THE  
**COUNTY COUNSEL**

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September 14, 1976

In reply please refer  
to Our File Number:

State of California  
Fair Political Practices Commission  
Conflicts of Interest Division  
P. O. Box 807  
Sacramento, California 95804

Re: Advisory Committees

Gentlemen:

There are in Kern County a number of advisory committees,  
including the following:

Kern County Water Resources Committee  
Mental Health Advisory Committee  
Technical Advisory Committee on Drug Abuse  
Alcoholism Advisory Committee  
Emergency Medical Care Committee  
Advisory Board for Child Health and  
Disability Prevention Program  
Grazing Advisory Board (Section 15)  
Grazing Advisory Committee (Section 3)  
Kern County Parks and Recreation Commission

These committees have been appointed by the Board of Supervisors,  
and we are advised that their function is "solely advisory". (Government  
Code Section 82019.)

We are further advised that these committees possess no "decision-  
making authority" as that term is defined in 2 Cal. Adm. Code Section 18700  
in that:

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- (A) They make no final governmental decisions;
- (B) They may not compel a governmental decision by any agency;
- (C) Their actions, recommendations, or considerations are not a legal prerequisite to a final governmental decision; or
- (D) They do not make substantive recommendations which are, and over an extended period of time have been, regularly approved without significant amendment or modification by another public official or governmental agency.

Are these committees required to adopt conflict of interest codes?

Is the definition of "participates in the making of a governmental decision" material in the resolution of the question? (2 Cal. Adm. Code Section 18700(c).)


The deadline for the filing of conflict of interest codes has been set by the Board of Supervisors as October 29, 1976, and therefore, we would appreciate your views on this question as soon as possible.

Thank you for your courtesy and consideration.

Yours very truly,

RALPH B. JORDAN, County Counsel

By

  
Forest Greber  
Deputy County Counsel

FG:b